

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

FREDRICK LUDWIG,

Petitioner,

Case No. 3:13-cv-00070-MMD-VPC

v.

ORDER

ISIDRIO BACA, et al.,

Respondents.

This is a 28 U.S.C. § 2254 habeas petition filed *pro se* by a Nevada prisoner (dkt. no. 2). He subsequently retained counsel (dkt. no. 9). This Court ordered petitioner to show cause as to why the petition should not be dismissed with prejudice as time-barred (dkt. no. 5).

Petitioner, through counsel, responded and asserts that (1) his guilty plea was involuntary; (2) his court-appointed attorney in state district court rendered ineffective assistance; (3) he is actually innocent; and (4) cause exists to excuse procedural default (dkt. no. 11, p. 6). His counsel also requests additional time to respond to the show-cause order, asserting that he needs to marshal medical records, state court transcripts, and client files. *Id.* at 18-21. Petitioner further requests the issuance of subpoenas duces tecum to the Las Vegas Metropolitan Police Department, Northern Nevada Correctional Center, Urology Associates of NENY, Clark County Detention Center, and the Clark County Public Defender compelling the release of, *inter alia*, blood samples, arrest and witness reports and medical records. *Id.* at pp. 21-23.

1 The Court now directs that the petition shall be served on respondents and that
2 they shall file a response to petitioner's response to the show-cause order.
3 Respondents shall specifically address petitioner's assertions as to why his petition
4 should not be subject to dismissal as time-barred as well as the discovery sought.
5 Petitioner will then have an opportunity to reply. Respondents need not file a response
6 to the petition itself until further order by this Court.


7 It is therefore ordered that the Clerk shall electronically serve the petition (dkt. no.
8 2) on the respondents.

9 It is further ordered that within forty-five (45) days of the date of this order
10 respondents shall file a response to petitioner's response to the order to show cause in
11 conformance with this order.

12 It is further ordered that petitioner shall have thirty (30) days from service of
13 respondents' response to file a reply.

14 It is further ordered that any state court record exhibits filed herein by either
15 petitioner or respondents shall be filed with a separate index of exhibits identifying the
16 exhibits by number. The CM/ECF attachments that are filed further shall be identified by
17 the number or numbers of the exhibits in the attachment. The hard copy of any
18 additional state court record exhibits shall be forwarded — for this case — to the staff
19 attorneys in Reno.

20 DATED THIS 1st day of May 2015.

21
22 
23 _____
24 MIRANDA M. DU
25 UNITED STATES DISTRICT JUDGE
26
27
28